

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 2, 4-12, 16, 18-26, 28, 30, 31, and 36-39 are pending in the application, with claims 36-39 being the independent claims. Claims 1, 3, 13-15, 17, 27, 29, and 32-35 are sought to be canceled without prejudice to or disclaimer of the subject matter therein. Claims 2, 4, 9, 16, 18, 23, 28, and 30 are sought to be amended. New claims 36-39 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 103

The Office Action indicates that claims 1-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,233,520 to Ito *et al.* (hereinafter "Ito"). (*See*, Office Action at p. 3.) Applicant respectfully traverses these rejections.

Regarding claims 1, 3, 13-15, 17, 27, 29, and 32-35, Applicant has canceled these claims without prejudice to or disclaimer of the subject matter therein, thereby rendering these rejections moot.

Regarding claims 2, 4-12, 16, 18-26, 28, 30, and 31, Applicant respectfully traverses these rejections.

Applicant has added new independent claims 36-39. New independent claim 36 corresponds to canceled claims 1 and 3. Likewise, new independent claim 37 corresponds to canceled claims 13 and 14, new independent claim 38 corresponds to canceled claims 15 and 17, and new independent claim 39 corresponds to canceled claims 27 and 29.

New independent claim 36 is representative and recites (emphasis added):

A method of performing a proximity search, comprising the steps of:

- (a) receiving a *search radius* defining a *circular search area* centered around a predetermined position;
- (b) calculating a set of latitudes and longitudes to define a smallest square search area into which the *circular search area* can fit based on the *search radius*; and
- (c) comparing the set of latitudes and longitudes to position information in a plurality of records stored in a database.

New independent claims 37-39 recite similar features.

Nothing in Ito discloses, teaches, or suggests these features. The Office Action, at page 5, contends that Ito, at column 6, lines 59-65:

teaches at least the proximity parameter is a search radius defining a circular search area center around the predetermined position, and wherein step (b) further comprises the step of calculating the set of latitudes and longitudes to define a smallest square search area into which the circular search area can fit[.]

Applicant disputes this contention. Ito, at column 6, lines 59-67 through column 7, lines 1-3, specifically states (emphasis added):

When a user of the navigation system requests position computation, the navigation function section 12 outputs a request for map data to be used for the position computation to the data access section 14. The position computation is specifically that after the assessment of a location of vehicle detected by a GPS or the like, superimposed display of the location of vehicle is performed. To designate, for example, coordinates at the *bottom left-hand corner* (latitude and longitude) and at the *top right-hand corner* (latitude and longitude) of a *rectangular* range

similarly to the first embodiment is one of the forms of the requests made by the navigation function section 12 to the data access section.

Clearly, this does not disclose, teach, or suggest a circular search area defined by a search radius. In fact, none of the words "circular", "radius", "circle", or "round" appear anywhere in Ito.

Accordingly, Applicant requests that new independent claims 36-39 be passed to allowance. Furthermore, Applicant requests that the rejections under 35 U.S.C. § 103(a) of claims 2, 4-12, 16, 18-26, 28, 30, and 31, which depend directly or indirectly from new independent claims 36, 38, and 39, be reconsidered and withdrawn and that these claims also be passed to allowance.

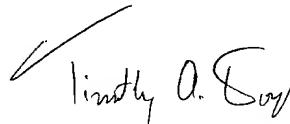
Conclusion

All of the stated grounds of rejection have been properly traversed or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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